



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

2-1

"Making a Difference"

MEETING DATE June 9, 2005	CONTACT/PHONE James Caruso, Project Manager (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT Anderson Family Trust	FILE NO. TRACT 2598 SUB2003-00307
SUBJECT Proposal by Anderson Family Trust/EMK for a Vesting Tentative Tract Map (TR-2598) to subdivide an existing 4.32 acre parcel into six parcels of 0.49, 0.51, 0.58, 0.59, 1.03 and 1.08 acres each. The project is located at 6393 Cressey Street, immediately north of 4 th Street, approximately 350 feet northwest of State Highway 229 in the community of Creston in the El Pomar/Estrella planning area.			
RECOMMENDED ACTION Deny Tentative Tract 2598 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that CEQA does not apply to the proposed project because, pursuant to CEQA Section 15270, CEQA does not apply to projects that are disapproved.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 043-071-001	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤ All
PLANNING AREA STANDARDS: Archaeological Resources, Riparian and Wildlife Corridors, Grading/Vegetation removal, Light and Glare			
EXISTING USES: Single Family Residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/RSF/Grazing/Undeveloped East: Residential Single Family/Residences South: Agriculture/grazing West: Agriculture/grazing			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Santa Margarita Area Advisory Advisory Committee, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, APCD, Department of Fish and Game, Cal Trans			
TOPOGRAPHY: Relatively flat/Creek banks		VEGETATION: Grasses, cottonwood trees, oaks, willows	
PROPOSED SERVICES: Water supply: Shared well Sewage Disposal: Individual septic systems Fire Protection: CDF/County Fire Dept		ACCEPTANCE DATE: December 30, 2004	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

2-2

Project Description: The proposed project is a subdivision of a 4.32 acre site into 6 parcel ranging in size from 0.49 acres to 1.08 acres. The site is located in the community of Creston between Cressey St and the West Branch of the Huer Huero Creek. Approximately 20% of the site is located below the banks of the West Branch. Agriculturally designated lands surrounded the site on three sides. Two off site wells and individual septic systems would serve the site. The septic systems must be located a minimum of 100 feet from the top of bank of Huer Huero Creek pursuant to section 19.20.222(c)(2).

Setting: The site is highly constrained by the creek, adjacent agricultural lands and associated buffers, riparian setbacks and septic system limitations. The ag buffers are approximately 50-150 feet on the south and west sides and 200 feet on the north side. The El Pomar Area Plan contains a development standard requiring all development to be set back 50 feet from the top of the creek bank. Lastly, septic systems have to be located at least 100 feet from the top of the creek bank and 100 feet from any well. Taken together, these constraints severely reduce the development potential of the site (see attached exhibit).

ORDINANCE COMPLIANCE:

Minimum Parcel Size

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by these tests. Community water is a prerequisite to land division in the Residential Single Family land use category. The proposed parcels meet all requirements for 20,000 sq ft parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0% and 15%	6,000 square feet
Water Supply and Sewage Disposal	Community Water On-site septic (0-5 minutes/inch)	20,000 square feet

In this case, the applicant proposes to use two off site wells, one to serve 4 homes and the other to serve the remaining 2 homes. A Community water system, which is required for divisions in the RSF category, is defined as:

A water storage and distribution network for the provision of potable water to the public for human consumption within a prescribed service boundary, operated and maintained by a public agency, or private company approved by the Board of Supervisors. The

2-3

system must comply with the provisions of the California Safe Drinking Water Act and all applicable laws and standards relating to domestic water supply.

The proposed dual shared well system proposed as part of the project does not meet this requirement. Therefore, the proposed project is not consistent with section 22.30.080 of the Land Use Ordinance (Title 22 of the County Code).

PLANNING AREA STANDARDS

An El Pomar Planning Area standard affects the site and its development requirements:

- B. Riparian and Wildlife Corridors.** New development in new land divisions and on publicly owned property, and all new development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater, as shown in Figure 94-1. Trails may be located within this required setback only if trail design and construction avoid or mitigate environmental impacts. Adjustments to this standard may be made only if all of the following are met:
1. Alternatives are determined to be infeasible or more environmentally damaging.
 2. Native vegetation compatible with riparian habitat is used for all revegetation and landscaping within the setback from the watercourse.
 3. Adequate erosion and sedimentation control measures are implemented during grading and construction.
 4. No alteration of riparian vegetation is necessary (except for creek crossings, which shall be minimized).
 5. The setback from the top of the bank shall not be less than 30 feet.
 6. When significant impacts to stream or riparian resources will occur, the applicant shall fund mitigation approved by the County or another public agency with jurisdiction, plus monitoring and restoration measures implemented by qualified professionals.

Stream alteration may be allowed for water supply and flood control projects, maintenance of existing roads or channels, projects to address public safety concerns, improvement of fish and wildlife habitat, or approved surface mining operations, provided that no practical alternative is available.

A 50 foot setback from the top of the bank bisects the designated building sites on proposed parcels 3 and 6 and cuts off a part of the designated building site on proposed parcel 5. Proposed parcels 3 and 6 do not have sufficient area to construct a residence and septic system while staying out of setback areas. No adjustment is possible in this case as a reduced project alternative can be designed that meets the setback requirements for new development.

2-4

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act because CEQA does not apply to projects that are denied.

Request For Review: Pursuant to section 800.00 of the County's CEQA Guidelines, a Request For Review has been received by the Department. This request for review will not be discussed as the project recommendation is for denial.

COMMUNITY ADVISORY GROUP COMMENTS: The proposed project was reviewed by the Santa Margarita Area Advisory Council. The letter from the Council is attached to this staff report. The letter requests the Department investigate the issues raised in the Request For Review.

Staff report Prepared By: James Caruso, Senior Planner
and Reviewed By: Kami Griffin, Supervising Planner

2-5

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator finds that CEQA does not apply to the proposed project because, pursuant to CEQA Section 15270, CEQA does not apply to projects that are disapproved.

Tentative Map

- B. The proposed map is not consistent with applicable county general plans because it is not being subdivided in a manner consistent with the purpose and character statements in Framework for Planning, Part I of the Land Use Element of the General Plan which describes the character of the Residential Single Family land use category as having (or programmed to have) appropriate urban level services which are defined as including the provision of a community water system.

- C. The proposed map is not consistent with the county zoning and subdivision ordinances because:

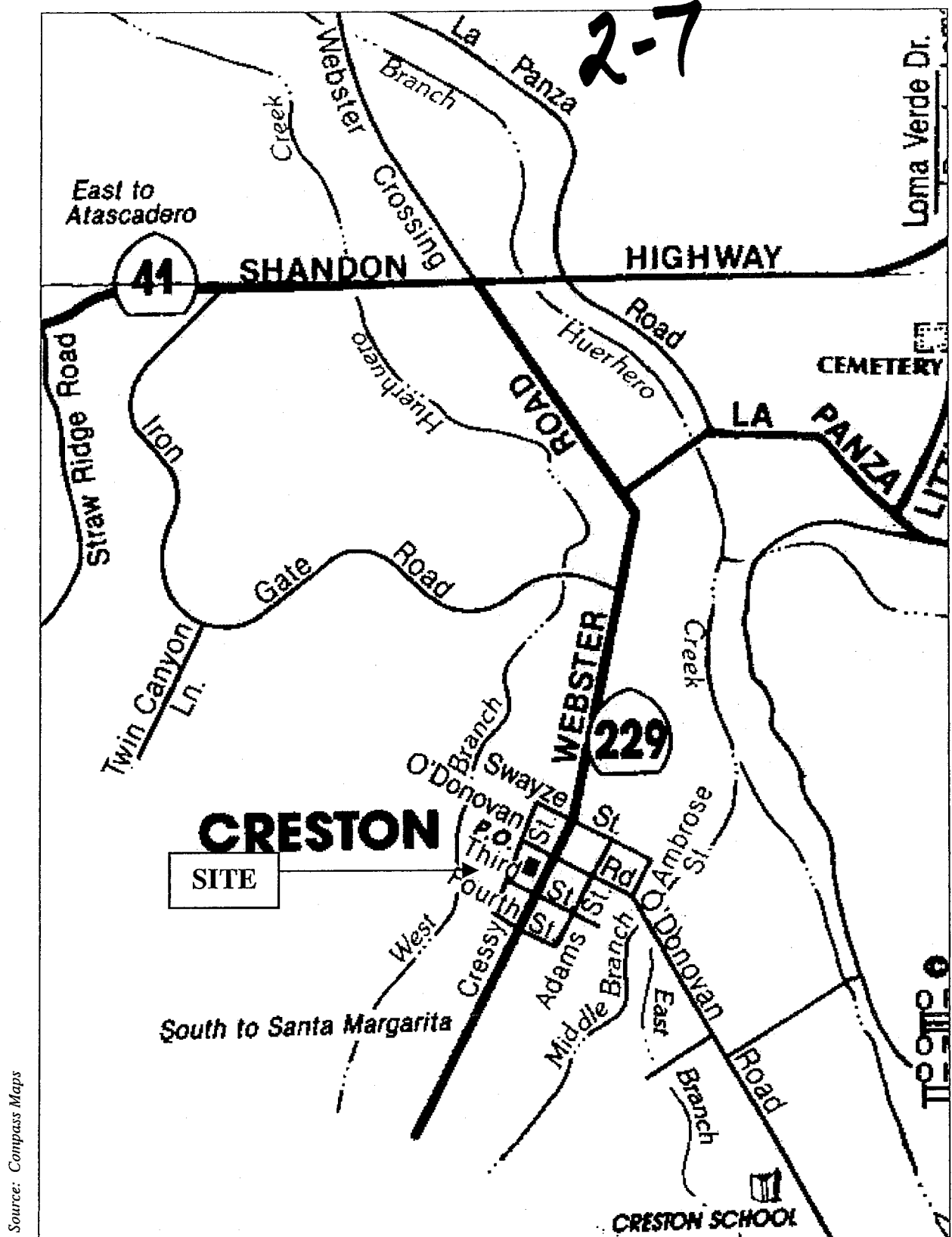
1. The proposed project site is designated Residential Single Family in the Land Use Element of the County General Plan. Land Use Ordinance section 22.22.080 states that community water is a prerequisite to land division in the Residential Single Family land use category. The applicant has proposed the use of shared wells instead of the required community water system and therefore has not complied with section 22.22.080 of the County Land Use Ordinance.
2. Land Use Ordinance section 22.94.020(B) states, "New development in new land divisions and on publicly owned property, and all new development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater".

The building sites designated on the proposed tentative map for parcels 1, 3, 5 and 6 are located within the required 50 foot setback from the top of the bank of the blueline stream. Therefore, the proposed project is not consistent with the requirement that all new development be setback a minimum of 50 feet for the top of the bank of the stream.

- D. The design and improvement of the proposed subdivision are not consistent with the applicable county general plans because the design of the proposed parcels would create lots that cannot be developed consistent with the requirements of section 22.94.020(B), the policies of the Agriculture and Open Space Element which require that new development provide buffers from existing agriculture in order to reduce the potential for significant land use conflict between existing agriculture and the proposal.

2-6

- E. The site is not physically suitable for the type of development proposed because the proposed parcels cannot be developed in compliance with the planning area standards requiring 50 foot creek setbacks. Also, septic systems must be setback a minimum of 100 feet from the top of the bank of the blue line stream. Septic system in proper locations will not allow for development to take place outside of the 50 foot development setback area.
- F. The site is not physically suitable for the proposed density of the development proposed because the site cannot adequately support the proposed number of parcels and comply with stream/riparian setbacks from top of creek banks and adequately buffer the proposed residential development from adjacent agricultural uses.
- D. The site is not physically suitable for the type of development proposed because the project cannot be constructed without violation of planning area standards requiring 50 foot creek setbacks. Also, septic systems must be setback a minimum of 100 feet from the top of the bank of the blue line stream. Septic system in proper locations will not allow for development to take place outside of the 50 foot development setback area.
- D. The site is not physically suitable for the proposed density of the development proposed because the site cannot adequately support the proposed number of parcels and comply with stream/riparian setbacks from top of creek banks.

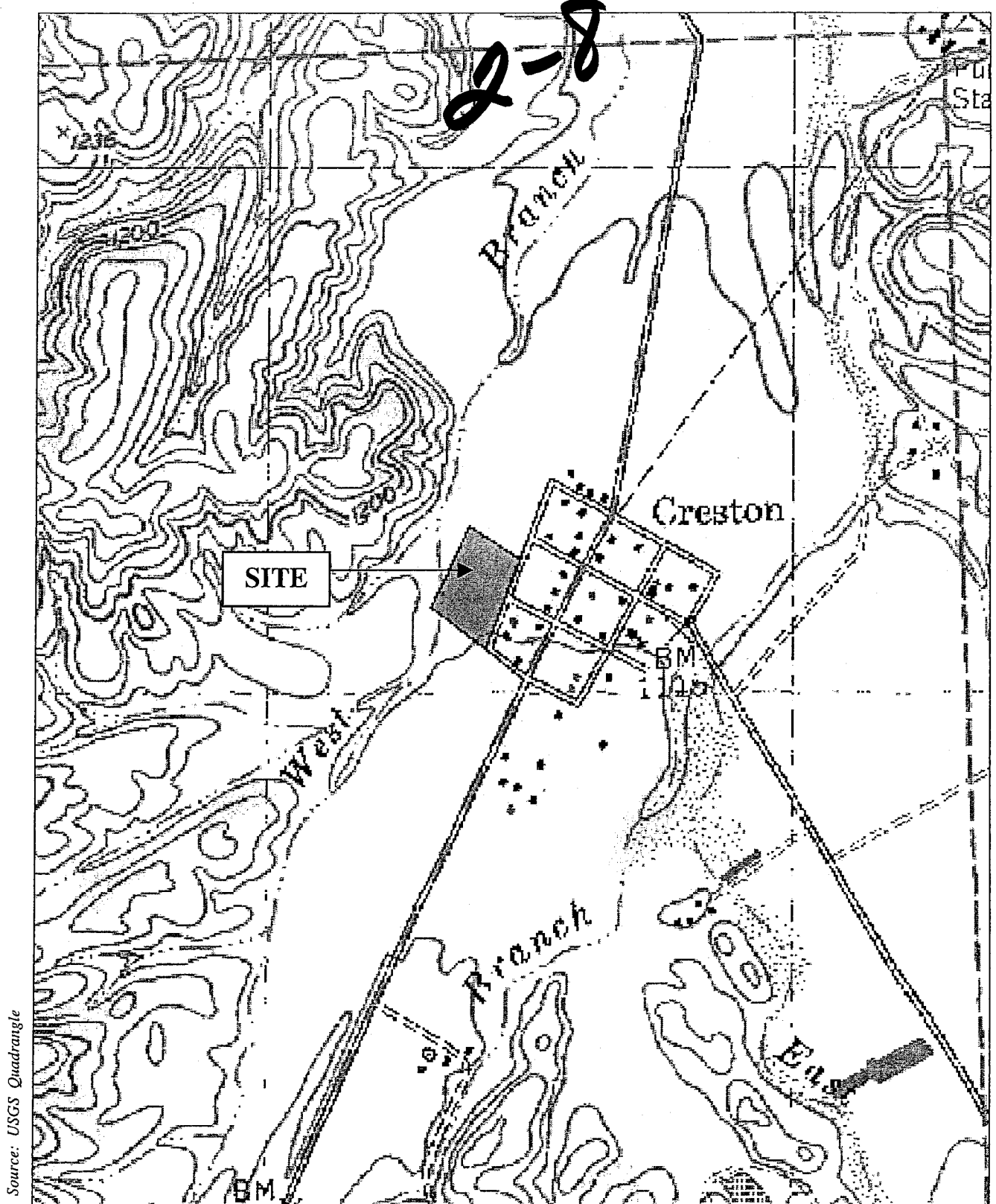


Source: Compass Maps



NORTH
Not to Scale

**VICINITY MAP
FIGURE 1**



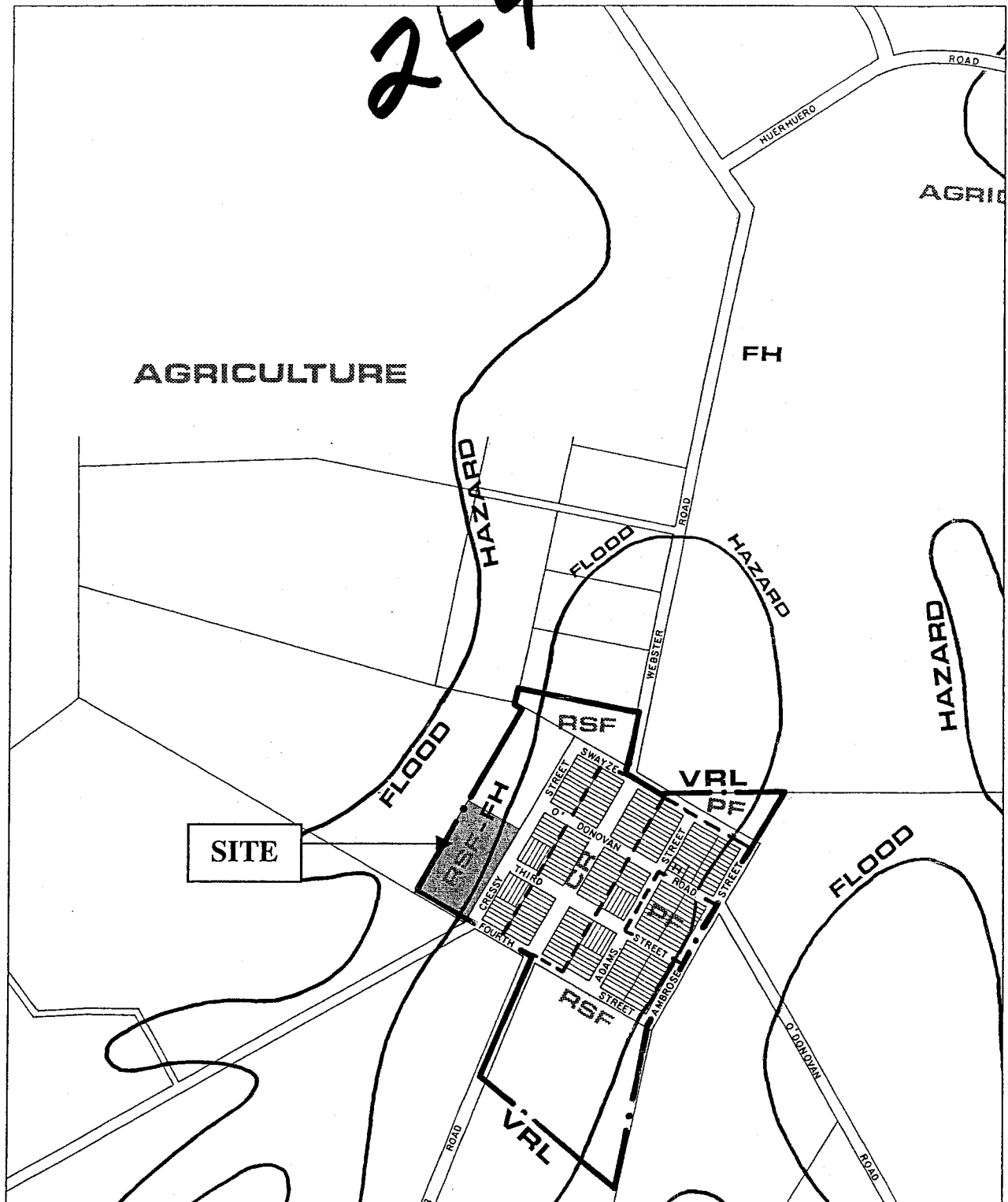
Source: USGS Quadrangle



NORTH
Not to Scale

LOCATION MAP
FIGURE 2

2-9



Source: County of San Luis Obispo



NORTH
Not to Scale

LAND USE CATEGORY
FIGURE 3

